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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,352	06/15/2005	Henk Lijzenga	NL 021435	7347

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BRIARCLIFF MANOR, NY 10510

EXAMINER

MULLER, BRYAN R

ART UNIT	PAPER NUMBER
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3723

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,352

Applicant(s)

LIJZENG ET AL.

Examiner

Bryan R. Muller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The International Search Report that was submitted on 6/15/2005 with the original application includes several references that are indicated as being relevant prior art. However, the applicant has failed to include any of the cited references in the IDS, as submitted on 6/15/2005. As discussed supra, the International Search Report is not

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considered to be an IDS. For this reason, it is suggested that the applicant file an IDS including all of the references cited in the International Search Report, along with copies of each of the foreign documents along with corresponding English language translations.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

4. The Declaration submitted on 6/15/2007 includes a duty to disclose statement that references Title 37, Code of Federal Regulations, § 1.56(a), which is considered to be an incorrect duty to disclose statement. The correct duty to disclose statement should reference Title 37, Code of Federal Regulations, § 1.56, not 1.56(a).

Drawings

5. The drawings are objected to because the reference symbol "S_{F1}" in Fig. 6 should be changed to "F_{S1}" to correspond with the description in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because the term "means" is used in the Abstract, which is considered to be legal phraseology, which should be avoided on an Abstract. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

8. The disclosure is objected to because of the following informalities: the specification does not include the title of the invention or headings for any of the

sections in the specification. The Examiner suggests that the applicant amend the specification to include the title (at the top of page 1) along with the headings "Background of the Invention" (between the title and line 1 on page 1), "Summary of the Invention" (after line 19 on page 2), "Brief Description of the Drawings" (after line 2 on page 5) and "Detailed Description of the Preferred Embodiment(s)" (after line 20 on page 5).

Appropriate correction is required.

Claim Objections

9. Claim 7 is objected to because of the following informalities: the applicant refers to claim 1, within the body of claim 7 in an attempt to incorporate all of the limitations of claim 1 into a supposedly independent claim 7. However, reference to another claim in an independent claim may confuse the scope of the claim. Thus, it is suggested that the applicant amend claim 7 to remove the reference to claim 1 and include all limitations of claim that the applicant intends to incorporate into the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1, 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 7 and 8 of claim 1 and line 1 of claim 2, the applicant refers to a "main displacement direction [of the suction attachment]", and attempts to define structural limitations of the suction attachment relative to the "main displacement direction". Although it is understood that the applicant is intending to refer to a main direction in which the suction attachment is *intended* to be moved, as shown in the drawings, the claim is an apparatus claim, and thus, the structural limitations may not be defined relative to a direction of **intended** movement because the suction attachment is capable of being moved in any direction, any of which may be considered to be a "main displacement direction". Therefore, the scope of the claim is unclear because the claim does not clearly define what the main displacement direction is relative to the structure of the apparatus being claimed. It is suggested that the applicant amend the claims to define the orientation of the pivot axis and the shape of the suction nozzle relative to the actual structure of the apparatus being claimed, as opposed to an intended direction of movement. Additionally, the limitations in lines 17-22 in claim 1 disclose that the rolling member is in a position that is in contact with the surface to be cleaned, when the first and second brush are in a first position and that the rolling member is not in contact with the surface to be cleaned when the brushes are in a second position and lines 6/8 of claim 6 disclose that, in the blocking position, the rolling member is not in contact with the surface to be cleaned. However, again, the applicant is attempting to define the structure of the apparatus being claimed, based on

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the intended orientation and positioning of the apparatus during use. As disclosed in the specification and drawings, the rolling member of the suction nozzle is inherently capable of either being in contact with a surface to be cleaned or not being in contact with a surface to be cleaned, during some form of operation, when the brushes are in either of the first or second positions. Therefore, the scope of the claims are again unclear because the applicant is attempting to define the structure of the claimed apparatus based on an **intended** orientation during use of the apparatus as it is relative to a surface that is intended to be cleaned, which has no set position relative to the apparatus or any claimed structure. It is also suggested that the applicant amend the claim to define the positions of the brushes and rolling member relative to one another when in the first and second positions, instead of defining the positions relative to an intended surface to be cleaned, that has no fixed relevance to the apparatus.

12. Claim 2 is further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim discloses that the pivot axis is "between the first brush and a first and a second extreme portion of the second brush. However, the term "extreme portion" is unclear in that the claim does not define what an extreme portion may be relative to the rest of the apparatus, and the term "extreme portion" may be interpreted to mean several different things, relating to properties of the second brush (i.e. hardness, flexibility, thickness, length, etc.). Therefore, the term "extreme portion" makes the scope of the claim unclear. Further, the wording that the pivot axis

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is between the first brush and a first and a second extreme portion of the brush is also unclear in that it may be interpreted to disclose that the pivot axis is positioned with the first brush on one side and the first and second extreme portions of the second brush on the other side, or may be interpreted to disclose that the pivot axis is between the first brush and is also between the first and second extreme portions of the second brush. Appropriate clarification is requested. For the sake of the current office action, the claim will be considered, as best understood by the Examiner, to be claiming that the pivot axis is located between the first brush and at least a portion of the second brush that is located at a distal position from the first brush.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouser et al. (4,888,851) in view of Fleischauer (4,653,137).

15. In reference to claims 1 and 2, Crouser discloses a suction attachment for a vacuum cleaner comprising a suction nozzle (68), a coupling member (15) for coupling the suction attachment to a suction channel of the vacuum cleaner, said coupling member being pivotable relative to the suction nozzle about a pivot axis extending perpendicularly to an *intended* main displacement direction of the suction attachment; a

first (99) and a second brush (100) extending near, respectively, a front edge and a rear edge of the suction nozzle, an adjustment mechanism (96) for adjusting the first and the second brush from a first position (Fig. 6), in which the first and the second brush are in a retracted position relative to a bottom surface of the suction nozzle, into a second position (Figs. 2 and 3), in which the first and the second brush are in a protruding position relative to said bottom surface and a rolling member (42) arranged near said pivot axis in such a position that, during an intended operating position relative to a surface being cleaned, said rolling member is inherently capable of being in contact with a surface to be cleaned when the first and the second brush are in said first position, and said rolling member is inherently capable of not being in contact with the surface to be cleaned when the first and the second brush are in said second position (the structure of the suction attachment of Crouser would clearly be capable of being held such that the brushes are in a second position and the rolling member is not in contact with the surface to be cleaned, while still functioning clean the surface). However, Crouser fails to disclose that, as seen in the *intended* main displacement direction (also as seen from the top or bottom of the suction attachment), said pivot axis is arranged between the first brush and at least a portion of the second brush. Fleischauer discloses a suction attachment for a vacuum cleaner wherein the main body of the suction attachment and the suction nozzle (46 and 48), as viewed from the top or bottom of the attachment (as seen in Fig. 1), has V-shape, and Fleischauer teaches that the V-shape of the head and the nozzle make the attachment particularly suited for cleaning in corners and crevices and along the edges of surfaces (abstract lines 1-3).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the attachment head and nozzle of Crouser into a V-shape, to adapt the suction attachment for cleaning in corners and crevices and along the edges of surfaces, as taught by Fleischauer. Additionally, Fleischauer also discloses that the attachment has first and second brushes being respectively positioned at the front and back of the suction attachment and that the suction attachment has a coupling member (20) that is pivotally attached to the nozzle at a pivot axis (approximately along line 3-3 in Fig. 1) that is positioned between the first brush (99), at the front of the suction nozzle, and at least a portion of the second brush (104) that is located at a distal position from the first brush, on the rear portion of the suction nozzle, as viewed from the top or bottom of the attachment. Therefore, it further would have been obvious, upon forming the suction attachment of Crouser to be V-shaped that the pivot axis would also be positioned between the first brush, at the front edge of the suction nozzle, and at least a portion of the second brush that is located at a distal position from the first brush, on the rear edge of the suction nozzle, as viewed from the top or bottom of the attachment.

16. In reference to claim 3, Crouser further discloses that the rolling member has an axis of rotation that coincides with the pivot axis.

17. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al. (4,638,526) in view of Fleischauer (4,653,137).

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18. In reference to claims 1 and 2, Murata discloses a suction attachment for a vacuum cleaner comprising a suction nozzle (8), a coupling member (5) for coupling the suction attachment to a suction channel of the vacuum cleaner, said coupling member being pivotable relative to the suction nozzle about a pivot axis extending perpendicularly to an *intended* main displacement direction of the suction attachment; a first and a second brush (12) extending near, respectively, a front edge and a rear edge of the suction nozzle, an adjustment mechanism (13) for adjusting the first and the second brush from a first position (Fig. 8), in which the first and the second brush are in a retracted position relative to a bottom surface of the suction nozzle, into a second position (Fig. 6), in which the first and the second brush are in a protruding position relative to said bottom surface and a rolling member (7) arranged near said pivot axis in such a position that, during an intended operating position relative to a surface being cleaned, said rolling member is in contact with a surface to be cleaned when the first and the second brush are in said first position, and said rolling member is not in contact with the surface to be cleaned when the first and the second brush are in said second position (as shown in the intended working positions in Figures 8 and 6, respectively). However, Murata fails to disclose that, as seen in the *intended* main displacement direction (also as seen from the top or bottom of the suction attachment), said pivot axis is arranged between the first brush and at least a portion of the second brush.

Fleischauer discloses a suction attachment for a vacuum cleaner wherein the main body of the suction attachment and the suction nozzle (46 and 48), as viewed from the top or bottom of the attachment (as seen in Fig. 1), has V-shape, and Fleischauer

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teaches that the V-shape of the head and the nozzle make the attachment particularly suited for cleaning in corners and crevices and along the edges of surfaces (abstract lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the attachment head and nozzle of Murata into a V-shape, to adapt the suction attachment for cleaning in corners and crevices and along the edges of surfaces, as taught by Fleischauer. Additionally, Fleischauer also discloses that the attachment has first and second brushes being respectively positioned at the front and back of the suction attachment and that the suction attachment has a coupling member (20) that is pivotally attached to the nozzle at a pivot axis (approximately along line 3-3 in Fig. 1) that is positioned between the first brush (99), at the front of the suction nozzle, and at least a portion of the second brush (104) that is located at a distal position from the first brush, on the rear portion of the suction nozzle, as viewed from the top or bottom of the attachment. Therefore, it further would have been obvious, upon forming the suction attachment of Murata to be V-shaped that the pivot axis would also be positioned between the first brush, at the front edge of the suction nozzle, and at least a portion of the second brush that is located at a distal position from the first brush, on the rear edge of the suction nozzle, as viewed from the top or bottom of the attachment.

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al. (4,638,526) in view of Fleischauer (4,653,137) as applied to claim 1 and further in view of Rukavina (2004/0000022).

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20. The combination of Murata and Fleischauer discloses the suction attachment, as discussed supra, but both Murata and Fleischauer fail to disclose what type of material the rolling member is formed from or what type of rolling surface the rolling member has. Rukavina discloses a vacuum cleaner having a suction nozzle that is supported on rolling members (10) and Rukavina discloses that the wheel housing (16), which includes the rolling surface of the rolling members, may be made from plastic, composite, resin, metal or wood materials (paragraph 32), wherein metal and wood, as well as several plastics, composites and resins all will provide a relatively hard, non-resilient rolling surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the rolling members of Murata may be made from any of the materials disclosed by Rukavina, as being known rolling member materials in the art, which would produce a predictable result, wherein several of the materials will produce a relatively hard, non-resilient rolling surface. Thus, it would have been obvious to provide the rolling members of Murata with a relatively hard, non-resilient rolling surface. Rukavina does disclose that the rolling surfaces of the rolling members **may** further be coated with a rubberized surface to improve traction, but does not require that the rolling surfaces are provided with any additional coating.

21. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al. (4,638,526) in view of Fleischauer (4,653,137) as applied to claim 1 and further in view of Dilger et al. (6,385,811).

22. The combination of Murata and Fleischauer discloses the suction attachment, as discussed supra, and Murata further discloses that the rolling member is positioned on a central portion of the suction attachment, wherein the coupling member is pivotable relative to said central portion about the pivot axis. However, both Murata and Fleischauer fail to disclose that the suction nozzle is pivotable relative to the central portion about an additional pivot axis extending parallel to the pivot axis. Dilger discloses a suction attachment, that is similar to the suction attachment of Murata, having a suction nozzle (7), a coupling member (9) that is pivotal about an axis relative to the nozzle and main body (1), first and second brushes movable between first and second positions and Dilger further discloses that the suction nozzle is pivotable relative to the main body (central portion), rolling member (10) and coupling member about an additional pivot axis that is separate from the pivot axis of the coupling member and that extends perpendicularly to an *intended* main displacement direction of the suction attachment. The pivoting suction nozzle will allow the nozzle to remain level with the surface being cleaned, no matter what position the brushes are in, which will maintain the nozzle as close to the floor as possible and will maximize the cleaning ability of the nozzle relative to the floor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the nozzle of the suction attachment of Murata to be pivotable relative to the central portion and coupling member, as taught by Dilger, to allow the nozzle to remain level with the surface being cleaned, no matter what position the brushes are in, to maintain the nozzle as close to the floor as possible and maximize the cleaning ability of the nozzle relative to the floor.

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It further would have been obvious that the additional pivot axis about which the nozzle pivots will be parallel to the first pivot axis disclosed by Murata because they are both disclosed as being perpendicularly to an *intended* main displacement direction of the suction attachment.

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al. (4,638,526) in view of Fleischauer (4,653,137) as applied to claim 1 and further in view of Saunders et al. (5,347,679).

24. The combination of Murata and Fleischauer discloses the suction attachment, as discussed supra, but both Murata and Fleischauer fail to disclose that the suction attachment is used with a vacuum cleaner having a housing, an electrical suction unit accommodated in said housing and a suction channel that is coupled to the suction attachment. Saunders discloses a vacuum cleaner that includes a housing (12, 14), an electrical suction unit (24, 26) accommodated in said housing and a suction channel (28) that may be coupled to a removable suction attachment (50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, that the suction attachment disclosed by Murata and Fleischauer could be coupled to the vacuum cleaner of Saunders to provide a vacuum function to the suction attachment, to be used to clean a floor surface.

Allowable Subject Matter

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25. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims (all of the intervening and base claims also being corrected to overcome the rejections under 35 U.S.C. 112, 2nd paragraph).

26. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record (considered as a whole) neither anticipates, nor renders obvious a suction attachment having a coupling member pivotal relative to a central portion about a first axis, a suction nozzle that is also pivotal relative to a central portion and the coupling member about a second axis, which is parallel to the first axis and an adjustment mechanism for moving brushes between first and second positions wherein a blocking mechanism cooperates with the adjustment mechanism to block the suction nozzle relative to the central portion when the brushes are in a second position.

27. Murata does disclose a blocking mechanism that cooperates with the adjusting mechanism to block the coupling member to the central portion, but Murata does not disclose a pivotable suction nozzle relative to the central portion or a blocking mechanism to block a pivotal suction nozzle to a central portion. Further Dilger fails to provide any mechanism or motivation to block the pivotal suction nozzle relative to a central portion of the suction attachment when the brushes are in the second position.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Erickson et al. (5,123,141), Grover (3,821,831) and Mattsson (3,659,312) all disclose suction attachments having similar structure and function as the applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bryan R. Muller
Patent Examiner
Art Unit 3723
10/27/2007